

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ANTHONY M. BARNES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-06-1298-D
	)	
MICHAEL J. ASTRUE, Commissioner of	)	
Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

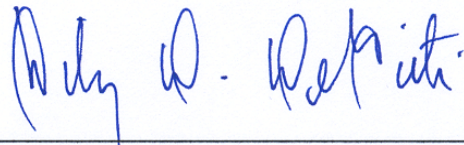
Upon consideration of the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 30], and the court of appeals' decision in *Wrenn v. Astrue*, 525 F.3d 931 (10th Cir. 2008), the Court finds that Plaintiff's attorneys may recover a reasonable fee for the representation of Plaintiff in this case up to the statutory limit of 25% of past-due benefits, provided the attorneys refund the amount of \$6,323.80 previously awarded under the Equal Access to Justice Act (EAJA). *See* Order Awarding Attorney Fees [Doc. No. 29]. An examination of the case record reveals a summary of the attorney's time records was previously submitted with the motion for EAJA fees [Doc. No. 26]. The record shows 39.8 hours of legal work for this case (36.7 attorney hours and 3.1 paralegal hours), which resulted in a favorable judicial decision, that is, a reversal of the Commissioner's decision and a remand for further administrative action. *See* Judgment [Doc. No. 23]. After remand, Plaintiff was determined to be entitled to benefits and was awarded a past-due amount of \$64,979.40.

The Commissioner has filed a timely response to the Motion. The Commissioner takes no position concerning the merits of the request but simply urges the Court to undertake an independent review and to determine whether the requested fee is reasonable for the services rendered.

Upon consideration of the circumstances presented, the Court finds that the requested amount of \$15,220.95 represents a reasonable fee for the work done in this case in view of the nature of the representation and the results achieved, and that this amount does not exceed 25% of Plaintiff's award of past-due benefits obtained by reason of the Judgment entered March 26, 2008. The Court further finds that the Motion was filed within a reasonable time after the Commissioner issued notice of the award of benefits. The Court therefore finds that the Motion of Plaintiff's attorneys should be granted.

IT IS THEREFORE ORDERED that the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 30] is GRANTED. The Court approves an award of attorney fees under 42 U.S.C. § 406(b) to Plaintiff's attorneys in the amount of \$15,220.95. The attorneys shall refund to Plaintiff the amount of EAJA fees previously awarded of \$6,323.80.

IT IS SO ORDERED on this 16<sup>th</sup> day of January, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE